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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,818

01/16/2004

Raynold M. Kahn

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THE DIRECTV GROUP, INC.
PATENT DOCKET ADMINISTRATION
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EXAMINER

SCHMIDT, KARL L

ART UNIT

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2139

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/758,818</p>	<p>Applicant(s) KAHN ET AL.</p>	
	<p>Examiner KARI L. SCHMIDT</p>	<p>Art Unit 2139</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Kristine Kincaid/
Supervisory Patent Examiner, Art Unit 2139

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues that neither Raike, Son, Akiyama, nor Loisel disclose a single host receiver that is configured to perform multiple specifically claimed activities including decrypting and re-encrypting a media encryption key, transferring a re-encrypted media key to a client, receiving encrypted program materials that have been broadcast, and transferring received broadcast materials to the client. The examiner disagrees. The examiner notes the combination of Raike in view of Son and Akiyama disclose the claimed invention. As the rejection shows, the examiner notes Raike discloses a method of distributing program materials received from a broadcast system between a host receiver and a client receiver for remote decryption (see at least, [0038]: the examiner notes consumers or end-users who wish to have access to encrypted media through the use of client devices (e.g. set-top boxes) is the client receiver and the retail server is the host receiver), comprising: encrypting a media key at the host receiver using a client key (see at least, [0038]); (d) transferring the encrypted media key from the host receiver to the client receiver, wherein the client receiver does not utilize a conditional access module (see at least, [0017]); (e) decrypting the encrypted media encryption key at the client receiver using the client key (see at least, [0018]); (f) receiving encrypted program materials from the broadcast system at the host receiver (see at least, [0007], [0009] and [0015]); (g) transferring the encrypted program materials from the host receiver to the client receiver (see at least, [0020]); (h) decrypting the encrypted program materials at the client receiver using the decrypted media encryption key (see at least, [0021]). Further Son was combined to disclose (a) receiving a encrypted data at the host receiver (see at least, [0027]-[0029]: the examiner notes that a store, decrypt and re-encrypt process may be performed on any data (e.g. media key)); and (b) decrypting the encrypted data at the host receiver (see at least, [0027]-[0029]: the examiner notes that a store, decrypt and re-encrypt process may be performed on any data); (c) re-encrypting data at the host receiver using a key (see at least, [0027]-[0030]: the examiner notes a public key encryption) and Akiyama was combined to disclose conditional access system when each receiver apparatus has an individual master key (see at least, [0099]). Akiyama teaches that the conditional access system adopts a key configuration, as shown in, e.g., FIG. 3 (see at least, [0100]). More specifically the examiner notes a work key Kw (i.e. a pairing key) which is specified for each channel and is common to all receiver apparatuses is encrypted using an individual master key KM, and the encrypted key is sent. Furthermore, a channel key Kch is encrypted using that work key Kw, and the encrypted key is sent (e.g. from the Host) (see at least, [0101]). The examiner notes under the broadest reasonable interpretation the references in combination teach the claimed limitation. The examiner notes the references where combined and motivation was provided. This argument is not persuasive.

With the argument to the argument of a "Single Host" the examiner notes the sections of Raikie used rely one only a the use of client devices (e.g. set-top boxes) is the client receiver and the retail server is the host receiver (see at least, [0038]). Further the examiner notes Raikie shows the "Single Host" performing the downloading of the media key to the client (see at least, [0051]: the examiner notes steering the information to the retail store for downloading to the user. The examiner notes this is not teaching away, due to the fact that the Host downloads the key to the client. Therefore tthe Raikie reference discloses the use of a "Single Host." This argument is not persuasive.

With respect to the argument that Raike, Son, Akiyama, nor Loisel teach a host-receiver that can utilize a CAM module. The examiner disagrees. The examiner notes Loisel discloses a host receiver that can utilize a CAM module (see at least, [0023]: the examiner notes the first device uses a CAM and the second device contains a decoder). This argument is not persuasive.

Further the examiner would like to note the applicant is arguing that the "Single Host" performs synchronization using a CAM to a receiver notes using CAM (see applicants arguments, page 15, 2nd paragraph) which is not in the claimed limitations. This argument is not persuasive

The applicant further argues that neither Raike, Son, Akiyama, nor Loisel disclose a client receiver that does not have a CAM that is configured to perform multiple specifically claimed limitation including decrypting a re-encrypted media encryption key and decrypting received program materials using the decrypted media encrypt on key. The examiner disagrees. The examiner notes Raike teaches a receiver that does not use a CAM module (e.g. the examiner notes a smart card slot). The examiner notes Raike teaches that the Client receiver receives a "just-in-time" key (see at least, [0041]) which is downloaded to the client receiver (see at least, [0017]). Further the examiner notes the "Single Host" can deliver (e.g. download) the media key to the client (see at least, [0051]), which shows a "Single Host" transferring a media key to a client without the use of a CAM due to the key being downloaded in real time. This argument is not persuasive.

Further the examiner would like to note the applicant is also arguing a thin client box configuration which in not claimed in the limitations (see applicants arguments, page 17-18). This argument is not persuasive .